

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOHN A. ANSELL III *et al.*,

Plaintiffs

v.

LUCREZIA IONA CANADAY *et al.*,

Defendants

* * * * *

CIVIL NO. JKB-15-2166

MEMORANDUM

The Court *sua sponte* has examined the jurisdictional basis of this twice-removed case and concludes, as did the Court earlier, no subject-matter jurisdiction exists in this case. Furthermore, even if jurisdiction existed, the case was improperly removed by a nonparty. The case will be remanded.

This is a residential foreclosure action filed May 29, 2013, in the Circuit Court for Worcester County, Maryland. *See* Docket Ent. 1/0, Order to Docket Suit, No. 23C13000714, <http://casesearch.courts.state.md.us/casesearch/inquiryByCaseNum.jis> (Aug. 17, 2015.) The case was removed to this Court on July 1, 2013. *See* Civ. No. GLR-13-1922, ECF No. 1. Upon the plaintiffs' motion to remand (ECF No. 17), the Court concluded the case presented neither diversity jurisdiction nor federal-question jurisdiction and remanded it to state court (Letter Order, Sept. 19, 2013, GLR-13-1922, ECF No. 22).

The posture of the case has not changed. For the reasons expressed by Judge Russell in his remand order (*id.*), the undersigned also concludes this Court lacks subject-matter jurisdiction. Additionally, the Court notes with some concern that the state court case was

brought against two defendants, Lucrezia Canaday and Kevin Betskoff, **Jr.**, but the case was removed by Kevin Betskoff, **Sr.**, who is not a party in the case. *See* JKB-15-2166, Docket Ent. Aug. 5, 2015 (clarifying status of filing parties); Statement by Kevin Betskoff, Jr., ECF No. 32 (requesting Court remand case to state court). Only a defendant may remove a state court case to federal court. 28 U.S.C. § 1441(a). Kevin Betskoff, Sr., is not a defendant in the case and, therefore, may not remove it to federal court. In addition, the actual defendant, Kevin Betskoff, Jr., is a citizen of Maryland; that also prevents removal. *See* 28 U.S.C. § 1441(b)(2).

Accordingly, the Court will remand this case by separate order. The two pending motions filed by Kevin Betskoff, Sr.—ECF Nos. 36 and 37—will be found moot.

DATED this 17th day of August, 2015.

BY THE COURT:

/s/
James K. Bredar
United States District Judge